

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

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In Re:

**Leonard Charles Murdock Jr. & Jessica  
Sue-Amelia Jones**

Case No. 09-81076  
Chapter 13

Soc. Sec. No.: xxx-xx-7686 and xxx-xx-4301

Mailing Address:

504 Harrier Court, Durham, NC 27713-

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Debtors

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**MOTION TO RESTRICT ACCESS TO FILED DOCUMENT**

**NOW COMES** the Debtor Leonard Charles Murdock Jr. and Jessica Sue-Amelia Jones, by and through counsel, upon this Motion to Restrict Access to Filed Document, seeking relief pursuant to 11 U.S.C. Sections 105(a) and Bankruptcy Rule 9037(d)(2).

1. That this matter is a core proceeding pursuant to 28 U.S.C. Section 157, and that the Court has jurisdiction pursuant to 28 U.S.C. Sections 151, 157 and 1334.
2. On or about 6/29/2009, the Debtors filed for protection under Chapter 13 of the Bankruptcy Code.
3. On or about 7/10/09, Shick Shadle Hospital filed Proof of Claim # 1 in the amount of \$2,437.68.
4. The Proof of Claim consisted of 10 pages and displayed the Debtor's individually identifiable health information, including medical procedure codes, treatments, and diagnosis, without redaction.
5. The Proof of Claim is a public document and the Creditor has made the Debtor's private data, sensitive and nonpublic personal medical treatment and diagnosis information available to the general public.
6. The publication of this private information violates various state and federal laws, local court rules, numerous common law torts and is in violation of Bankruptcy Rule 9037. The publication is also in violation of the privacy standards set forth in the Health Insurance Portability and Accountability Act.
7. As a result of such violations the debtor has suffered actual damages, including emotional distress.

**WHEREFORE**, said Debtors respectfully pray of this court as follows:

- A) That the Court issue an order requiring the Clerk of Court to immediately restrict public access to the documents mentioned above.
- B) For such other relief as is just and proper.

Dated: August 16, 2009

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s/ Edward C. Boltz

Edward C. Boltz  
N.C. State Bar No. 23003  
1738 Hillandale Road  
Suite D  
Durham, N.C. 27705  
(919)-286-1695

## CERTIFICATE OF SERVICE

I, Koury L. Hicks, certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age and that on August 17, 2009, I served the foregoing **MOTION TO RESTRICT ACCESS TO FILED DOCUMENT** by depositing a copy of same in the U.S. mail, postage prepaid, or by electronic service, addressed to the following parties:

SHICK SHADLE HOSPITAL  
Attn: Managing Agent  
12101 Ambaum Blvd SW  
Seattle, WA 98146-2651

Richard M. Hutson, II  
Chapter 13 Trustee  
P.O. Box 3613  
Durham, N.C. 27702-3613

/s/ Koury L. Hicks  
Koury L. Hicks